

Ok Mike

Speech 8/28/18

Comments on Dispute Resolutions

Having available procedures for citizens to settle their disputes is always a good idea. However, if the law and facts exist that causes the disputes in the first place, it is suggested that those problems should be solved first.

The North Carolina Planned Community Act is ridiculous and was designed for the benefit of the developer. There are no consumer protections in the Act.

The reason there are no consumer protections in the Act is because the developer would not approve of the Act.

It is substantially different from the NC Condominium Act and the Uniform Common Interest Ownership Act.

The NC Planned Community Act must be amended to conform to at least the NC Condominium Act.

I have sat through two sessions of the House HOA Select Committees.' Both committees worked hard and proposed legislation that eventually died in committee due to the activity of certain parties who control all HOA legislation. (WB165)

Each HOA committee discovered many problems and set forth a finding of fact and a list of those problems. I have a copy and they are part of the public record.

None of those problems have been resolved.

In the NC Planned Community Act, the developer can run the association for 20 or 30 years or even more. When does the member get a chance to rectify the problems? After 30 years?

The declaration and bylaws are designed to benefit the developer and the board who is appointed and controlled by the developer.

The members rule the association and not the executive board. Getting there is no B of D in NC

G.S. 47F controls over G.S. 55A.

Amending the NC Planned Community Act and placing the Common Interest Communities and the community association managers under control of the NC Real Estate Commission will solve 85 percent of the problems.

Why go to mediation or dispute resolution or arbitration when everything is stacked against the member?